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NEW BRUNSWICK, NEW JERSEY 08933-7003

FACSIMILE TRANSMISSIONS COVERSHEET

DATE: December 12, 2005

TO: Examiner John G. Pickett

COMPANY: USPTO – Art Unit 3728

FACSIMILE NO.: (571) 273-8300

FROM: Eugene L. Szczecina, Jr.

TELEPHONE NO.: (732) 524-1479

FACSIMILE NO.: (732) 524-5575

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

Docket No.: COD0133US
Application No.: 09/960,020

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATES STAMPED HEREON:

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<input type="checkbox"/> Response	<input checked="" type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Fee Transmittal	<input type="checkbox"/> Brief
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Applicants: Christopher McDowell
Serial No.: 09/960,020
Filed : September 21, 2001
For : TRAY FOR SURGICAL FASTENERS

Art Unit: 3728

Examiner: John G. Pickett

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 61.8

I hereby certify that this correspondence is being faxed to the United States Patent & Trademark Office at (571) 273-8300 on December 12, 2005

/Eugene L. Szczecina, Jr./

Eugene L. Szczecina, Jr.

(Name of applicant, assignee, or Registered Representative)

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated September 12, 2005 finally rejecting Claims 1,3,6,8,9,11,12 and 16 of the above-identified application.

The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection was granted on month(s).
2. A Petition For Extension Of Time under 37 CFR 1.136 is attached hereto in triplicate.
3. A timely response, in the form of this Notice of Appeal, to the final rejection has been filed.
4. Fee \$500.00: for filing of Notice of Appeal
 Not required (fee paid in prior appeal)
 Charge to Deposit Account No. 10-0750/COD0133/ELS.
 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/COD0133/ELS.

Respectfully submitted,

/Eugene L. Szczecina, Jr./

Eugene L. Szczecina, Jr.
Reg. No. 35,029
Attorney for Applicant(s)

12/13/2005 SDENBOB1 00000029 100750 09960020

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One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1479

Date: December 12, 2005